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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,304	09/02/2003	Eric W. Hauck	1006.24-CIP	2766
7590	12/08/2004		EXAMINER	JOHNSON, BLAIR M
John L. Rogitz, Esq. ROGITZ & ASSOCIATES Suite 3120 750 "B" Street San Diego, CA 92101			ART UNIT	PAPER NUMBER
			3634	
			DATE MAILED: 12/08/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	10/653,304	Applicant(s)	HAUCK ET AL.
Examiner	Blair M. Johnson	Art Unit	3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/8/03.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kovach et al '530 in view of Japanese patent '028 and further in view of Nemirofsky et al.

Kovach et al discloses a motor driven window covering that is controlled by a remote IR transmitter and a receiver mounted within the headrail. In '028, see infrared signal emitter 5 and visible laser beam emitter 6 housed within element 9 for emitting coaxial beams. The '028 apparatus activates a target by way of an IR beam 11 striking a receiver with the target, the IR beam being directed to the desired one of several targets by way of a visible light beam 10. One of ordinary skill in the art faced with the problem of using a remote control to activate a specific one of a plurality of window coverings would look to the remote control art and find '028 who achieves this objective as detailed above. Consequently, it would have been obvious to provide the remote operation of Kovach et al with such an aiming beam.

Nemirofsky et al discloses a remote device 90 which uses a visible light beam with a blink rate of 0.25 seconds to help in aiming the remote unit 90 at the desired target between which information is transmitted. See paragraph 0041 and the disclosure

of the laser. It would have been obvious to modify Kovach et al and Japanese '028 whereby the visible light beam on the transmitter blinks so as to save energy.

Claims 1-6 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kovach et al '530 in view of Nemirofsky et al.

Kovach et al discloses a motor driven window covering that is controlled by a remote IR transmitter and a receiver mounted within the headrail. Nemirofsky et al discloses a remote device 90 which uses a visible light beam with a blink rate of 0.25 seconds to help in aiming the remote unit 90 at the desired target between which information is transmitted. See paragraph 0041 and the disclosure of the laser. In view of this teaching, it would have been obvious to modify Kovach et al whereby the visible light beam on the transmitter blinks so as to save energy.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kovach et al '530 in view of Japanese '028.

Kovach et al discloses a motor driven window covering that is controlled by a remote IR transmitter and a receiver mounted within the headrail. In '028, see infrared signal emitter 5 and visible laser beam emitter 6 housed within element 9 for emitting coaxial beams. The '028 apparatus activates a target by way of an IR beam 11 striking a receiver with the target, the IR beam being directed to the desired one of several targets by way of a visible light beam 10. One of ordinary skill in the art faced with the problem of using a remote control to activate a specific one of a plurality of window coverings would look to the remote control art and find '028 who achieves this objective

as detailed above. Consequently, it would have been obvious to provide the remote operation of Kovach et al with such an aiming beam.

Claims 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese '028 in view of Nemirofsky et al.

In '028, see infrared signal emitter 5 and visible laser beam emitter 6 housed within element 9 for emitting coaxial beams. The '028 apparatus activates a target by way of an IR beam 11 striking a receiver with the target, the IR beam being directed to the desired one of several targets by way of a visible light beam 10.

Nemirofsky et al discloses a remote device 90 which uses a visible light beam with a blink rate of 0.25 seconds to help in aiming the remote unit 90 at the desired target between which information is transmitted. See paragraph 0041 and the disclosure of the laser. It would have been obvious to modify Japanese '028 whereby the visible light beam on the transmitter blinks so as to save energy.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

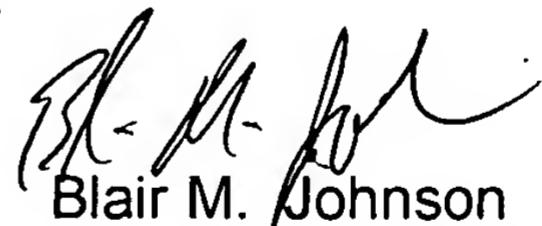
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7 and 11-14 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Nemirofsky et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (703) 308-0526. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Blair M. Johnson  
Primary Examiner  
Art Unit 3634

BMJ  
11/29/04